



Transit for Livable Communities  
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**DATE:** December 22, 2009  
**TO:** Lynnette Geschwind, MnDOT ADA Coordinator  
**FROM:** Tony Hull, Program Evaluation Specialist - Bike Walk Twin Cities  
Barb Thoman, Program Consultant  
**SUBJECT:** MnDOT draft ADA Transition Plan

We applaud the work and effort from MnDOT to undertake this important endeavor. We feel accessibility is not just a legal requirement, but the right way to address the needs of all people using our transportation system. Please accept our comments on the MnDOT draft ADA Transition Plan.

### **General Comments**

#### Public Involvement/Communication

Was there a communication plan for public input? There seemed to be little notice that this plan was being developed or that this draft was available for comment.

#### Organization of Report

The report lacks a table of contents; this would be helpful to navigate to specific topics and could also be useful for webhosting usability. The US Access Board and FHWA generally have documents available in html by section for easy reference.

#### Lack of Timeline

The transition plan has no timetable for completion. This plan should detail when compliance will be met with each area of accessibility.

#### Reference to MnDOT cost participation

This plan makes no mention of the MnDOT cost participation policy. This document addresses MnDOT's responsibility to comply with ADA within MnDOT owned right-of-way, but no reference to how this is consistent with current cost participation policy. Does the transition plan trump the policy in terms of conflicts? If no, there should be a section to address how this will be remedied to ensure compliance with the transition plan is to be met.

#### Federal Input

Was anyone from the US Access Board or FHWA involved in the process to develop this plan? They are the go-to resource for these issues and can provide valuable input to inform this process.

## **Comments by section as they appear in the document:**

### **INTRODUCTION**

#### ADA and its relationship to other laws

There is a lack of citation to relevant policy. This document identifies ADA and how it relates to other laws specifically, however, it does not document any other relevant MnDOT policies and or resources that are relevant to meeting compliance. It would be helpful to add footnotes to these and perhaps a bibliography.

#### MnDOT History

There is no clear statement of mission from MnDOT about ADA, besides calling out legal responsibilities and what has occurred to date. It would be nice to see MnDOT speak in terms of their commitment to customer satisfaction and how this is accomplished in terms of ADA. Also they indicate the adoption of PROWAG as a technical guide without any explanation of what it is and then how it is applied throughout this plan. This is important!

### **PROGRAM LOCATION AND SUPPORT**

#### Americans with Disabilities Act Advisory Committee ADAAC

There is no explicit mention of a disability representative on this committee

#### Stakeholder Advisory Committee

This external committee seems like it could be integrated into the ADAAC to be more hands-on effective. There is no description of how these two committees are structured and how accountability to each is shared. Without a clear understanding of these roles it could appear that there is a disconnection to the key stakeholder group.

#### District Expertise/Work Group

It is great that MnDOT is creating a specific responsible person in each district to be a point person on accessibility. It would be even better if this was identified in terms of FTE(s) and the plan should articulate the specific qualifications for this including relevant expertise and training. There could be a problem if this position is not given appropriate resources or authority which would result in marginalization of the role. Suggest MnDOT consider the role of an Ombudsman.

#### Transition Plan Management

Typo first sentence – strike the word will

#### Grievance Procedure

Not clear why the last statement is made that MnDOT will not officially act or respond to complaints made verbally. This is remedied in the appendix about the procedure that a staffer will transcribe a written complaint for those who request, should be made clear here as well.

#### Communications

Third sentence: replace “can” with “will” – should be an action not a consideration

Also suggest replacing “interpreters are hired as requested” with “ interpreters are available on request” No reason to rule out MnDOT staff who can learn and serve in this function, that would be a useful skill set to have on staff.

#### Website Communications

Typo first sentence – replace “an” with “on”

#### Public Involvement

### **Transit for Livable Communities**

First paragraph states that MnDOT is able to provide services, unclear whether this means MnDOT does or MnDOT will. Should be rewritten to clarify this as being a current practice or an action item.

## SELF EVALUATION

This section could use more clarity as to the purpose of the Self Evaluation and how and when it should be conducted. Is this process complete, is there an ongoing measurement or report for this?

### Fixed Work Sites

Second sentence reads "...MnDOT will evaluate these buildings for potential accessibility opportunities." Should read "... MnDOT will evaluate these buildings for accessibility barriers and remedy the problem to ensure full accessibility for users."

### Rest Areas

This section references ADAAG, and should include PROWAG where appropriate (parking accommodation, sidewalks, ramps, etc.)

Also 7<sup>th</sup> paragraph indicates that all rest facilities have been built new since 1991, but there is no indication that they have been subsequently evaluated for accessibility.

### Accessible Pedestrian Signals (APS)

End of third sentence reads: "...but rankings are always considered within context so that the greatest needs are served first." This does not make sense as the previous sentence described the rating system as prioritizing need. Should be changed to "...but rankings are always considered within context so that other factors can guide decisions."

Also it seems like there should be some mention of the recently adopted National MUTCD that calls for countdown signals to be installed at all ped signal locations within 10 years of adoption and how this would impact/trigger conversion to APS within this program. Is there a strategy to combine these efforts?

### Curb Ramps and Sidewalks

First paragraph indicates history of retrofitting of ramps that occurred in 1992-1995 and states that no inventory was maintained without an indication as to why this was the case.

Last paragraph first sentence should change "can" to "will" this is an action to be taken, is this not true?

### Transit

Paragraph 5 identifies that MnDOT will conduct an assessment of the accessibility of transit stops "on MnDOT right of way". Given the statement at the beginning of the section recognizing MnDOT having a responsibility to FTA to oversee that all of the transit system is accessible, it would seem that this assessment should include ALL stops, with steps to notify the appropriate agencies of the deficiencies and their responsibility to remedy. This would seem to be the best way to accomplish this task in a comprehensive manner.

Also final paragraph references pedestrian ACCESS route should read pedestrian ACCESSIBLE route for clarity.

### Pedestrian Bridge and Underpass Inventory

This section deals exclusively with ped/bike bridges and there is no section that addresses accessibility on all the other bridges. Given the energy around complete streets and the current need to rehabilitate so many bridges, this seems like a critical oversight. Given the new direction of

the agency, there should be clearly developed bridge policy to reflect that **ALL BRIDGES be made ACCESSIBLE**, with exceptions where non-motorized use is prohibited.

### Policies

There is a list of policies with no recommendation of how any existing policy may conflict with accessibility goals, it would be useful to hear more detail about how these policies impact accessibility. There should be a full listing of the relevant policies and where they can be accessed. Specifically how is the MnDOT cost participation policy effected by this plan?

### Maintenance

Maintenance is not addressed, it is pulled out as a separate study that will take a year and a half. This makes the transition plan incomplete. There should be some clear statements of how MnDOT will address year round accessibility and when this will be compliant, this should have been addressed by the self evaluation

### Correction Program

Does the correction program include ongoing evaluation of compliance? If so how will this be reported back to the public?

### Training

Training is important and this plan should identify the scope of employees that will receive this training (designers, construct personnel, inspectors, etc.) and that this will be an ongoing education and not a one-time workshop.

### APPENDIX A

How to File a grievance, third sentence reads: "The oral grievance will be **reduced to writing** by the ADA coordinator...", it seems more appropriate to say transcribed, as the term reduced sounds like the oral grievance is trivial.

File Maintenance is to be maintained for 3 years, why not indefinitely is there not an interest in tracking long-term issues that may indicate a systemic problem with a facility?

### APPENDIX D

The statewide APS Prioritization Summary has a column that indicates number of crosswalks, there are numerous locations with 0, 1 and 2 listed. By law crosswalks exist on each leg of an intersection unless otherwise prohibited. Unless these are T intersections or limited access, there seems to be missing crossings. Does the lack of crossings represent prohibitions or that these are not marked? It is important that each intersection that contains a number of crosswalks lower than 4 identify the exceptions.

### APPENDIX E

The sample curb ramp inventory has a check for stop bar being present/not, but no way to indicate the setback for the stop bar, could be useful info to collect. Also the push button distance from ramp and separation of each actuator are included but nothing to indicate the actuator height (ADA standard) or that it is free from barriers. This would seem to be a significant part of an ADA audit.

We thank you for the opportunity to provide comment on this draft transition plan and look forward to seeing the finished plan.